

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
vs.) No. 1:06-cr-76
)
)
JAY ANN SNYDER,) JUDGE COLLIER
)
)
Defendant.)

MOTION FOR DOWNWARD DEPARTURE & MEMORANDUM

COMES NOW, the defendant, and hereby files her Motion for a Downward Departure pursuant to U.S.S.G. § 5K2.0 § 20 for disparity between co-defendants.

MEMORANDUM

After the United States Supreme Court's decision in *Koon v. United States*, 518 U.S. 81 (1996), Courts have allowed departures based upon disparity between co-defendants.

The Sixth Circuit has recognized the need to avoid disparity in sentences between co-defendants. See *United States v. Williams*, 894 F.2d 208 (6th Cir. 1990). In *Williams*, the Sixth Circuit reversed a decision where disparate sentences resulted from inconsistent application of the sentencing guidelines. *Id.* In *United States v. Nelson*, 918 F.2d 1268 (6th Cir. 1990), the Sixth Circuit allowed a downward departure that brought one co-defendant's sentence "in-line" with another. The defendant respectfully requests that this Court downwardly depart in order to avoid unwanted sentencing disparities.

In the present case, in the related cases of Angela Marie Byrd, Docket No. 1:04-CR-148-001 and Donovan Barnes-Bass, Docket No. 1:04-CR-148-002, the Defendant submits that the Court used an earlier edition to the sentencing guidelines and used a different method of loss

calculation. Respectfully, in fraud scheme, Courts should use the same manual and same guidelines to avoid sentencing disparities between co-defendants.

In addition, both Ms. Byrd and Ms. Barnes-Bass in statements to investigators admitted to concocting this double-hud scheme in 1998/1999 well before Ms. Snyder ever became a mortgage broker. The double-hud scheme was their scheme that they taught to others. Respectfully, given their 18 month sentence, the Defendant submits that should the court although technically find that the higher guideline sentence applies to, that a downward departure is justified and warranted to bring her sentence in line with that of Ms. Byrd and Ms. Barnes-Bass.

Respectfully Submitted:

DAVIS & HOSS, PC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

This the 28th day of March, 2007.

s/Bryan H. Hoss